

Amendments to the Drawings

The attached sheets are replacement sheets for original sheet 3 and sheet 4. Figs 5 and 8 have been corrected per the requirement in the Official Action of 11/23/05.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

While the lack of unity requirement was made final in the latest Office Action, Applicant requests further reconsideration in view of the citation of new art cited in the Office Action of 11/23/05, not previously presented. The reference to Isreeli, newly cited, illustrates structures resembling recesses for holding treatment liquid. However, independent method claim 22 now features a step for mounting thin-sectioned tissues on metal screens resting on marked and raised positions on the underside of the support plate maintained in place by magnetic means disposed in holes on the upper side of support plate opposite the marked positions.

The novel steps of method claim 22, particularly part (ii) closely parallels the corresponding structural limitations appearing in newly amended device claim 1. Therefore, it would appear that both the article and method claims are so linked as to form a single general inventive concept through a common special technical feature, namely a support plate for mounting sectioned tissue on metal screens retained on the support plate by magnetic means. This feature appeared in device claim 2 and method claims 25 and 35, now cancelled, and replaced by amended method claim 22. As will be discussed in greater detail below, the special technical feature is patentable over the cited art.

Hence, both the device of claims 1 and 3-21 and the methods of claims 22-24, 26-34 and 36 are in unity. Rejoinder of the method claims is courteously requested.

Figs. 5 and 8 have been corrected and replacement pages properly labeled are provided herewith.

The trademarks appearing on pages 2 and 5 of the specification have been properly capitalized and identified as registered trademarks, as originally filed. Because their meanings are well known and satisfactorily defined in the literature the Examiner's requirement for "generic terminology" would appear to be moot. As authority, please see MPEP 608.01(v)

Claims 1-21 were rejected under 35 U.S.C. 112, second paragraph. This ground of rejection is courteously traversed.

The expression "which comprises" appearing in Claim 1 has been corrected.

The expression "dimensionally stable material" as appearing in claims 5 and 11 need only be defined if Applicant attaches a meaning other than its ordinarily understood meaning. Furthermore, the fact that the expression is undefined by the specification does not render it

indefinite under Section 112. Accordingly, the expression is accorded its ordinary understood meaning, in referring to the ability of a material to hold its shape over a period of time under conditions of use.

The expression “free recesses” appearing in claim 10 is reasonably clear and precise, and therefore, meets the requirements of Section 112, second paragraph. “Free recesses” denotes recesses that are “available” or “not being used”.

The rejection of claim 11 on the ground the expression “the group” lacks antecedent basis is not well taken. This is conventional Markush (Markush Group) language, and is in full compliance with Section 112, second paragraph. The MPEP is quite clear in this regard.

Paragraph 13 of the Office Action provides the language “about the same as” in referring to the recess coating recited in claim 12 is indefinite. Applicant courteously disagrees. In order to comply with the second paragraph under Section 112, claim language need only be reasonable precise so as to enable one of ordinary skill in the art to determine if there is an infringement. However, this does not mean pin point accuracy. Claim 13 is merely reciting that the depth of the recess be about the same as the thickness of the hydrophobic coating. Thus, the depth of the recess is pegged to the thickness of the hydrophobic coating, whatever that may be. Because the depth is determined by whatever the thickness of the hydrophobic coating is, it is stating it is about the same as that of the coating. Applicant is unable to understand why such language is not in compliance with the second paragraph of Section 112. Besides, the term “about” is quite acceptable under US practice.

Claim 14 has been amended.

Allegedly claim 18 is indefinite in the language: “said guiding track and motor providing means for establishing said treatment position.” The examiner’s remarks seem to imply there is another motor in claim 18, or perhaps another claim that renders it questionable which motor is intended, although not expressly stated. In any event, claim 18 is believed to be reasonably clear and precise, and therefore, fully compliant with the second paragraph of 45 U.S.C. 112.

Applicant believes all the claims now meet the criteria of 35 U.S.C. 112, second paragraph, because the language is reasonable clear and precise. Reconsideration and withdrawal of the rejections under Section 112, for reasons outlined above, are courteously requested.

Section 17 of the Office Action concludes claims 1, 10, 14, 17 and 18 are unpatentable under 35 U.S.C. 102(b) over Isreeli (US Pat. 3,350,220). This ground of rejection is courteously traversed as it applies to the claims now presented for further examination.

Claim 1 has been amended to include a support plate with metal screens for mounting thin sectioned tissues, wherein the upper side of the support plate includes a plurality of magnets in holes positioned opposite marked positions. The subject matter of amended claims 10, 14, 17 and 18 are either directly or indirectly dependent from amended claim 1, and include all the limitations from claim 1, plus the additional features of the dependent claim(s). In view of the fact that Isreeli fails to teach the structural features of amended claim 1, the additional features of dependent claims 10, 14, 17 and 18 likewise would not be anticipated by Isreeli.

Reconsideration and withdrawal of the rejection of claims 1, 10, 14, 17 and 18 are courteously requested.

At paragraph 20, claims 11 and 12 were rejected under 35 U.S.C. 103(a) as unpatentable over Isreeli (US Pat. 3,350,220) in view of Blades (US Pat. 3,363,468). This ground of rejection is traversed.

Claims 11-12 include all the limitations of claims 1 and 10. Isreeli fails to teach the structural features of claims 1 and 10, and Blades fails to make up for the apparent shortcomings of Isreeli. Furthermore, no rationale or incentive has been provided in the Office Action for introducing the liquid sampling catchment means of Blades for those already disclosed Isreeli, but for the disclosure of the same by Applicant.

Reconsideration and withdrawal of the rejection of claims 11 and 12 for reasons of obviousness are courteously requested.

At paragraph 21, claims 15-16 and 20 were rejected under 35 U.S.C. 103(a) as unpatentable over Isreeli in view of Tseung (US Pat. 6,746,851) and Rhett et al (US Pat. 5,839,091). This ground of rejection is traversed.

Claims 15-16 and 20 are indirectly dependent from claim 1, and include all the specific features recited in amended claim 1. Even if Tseung et al and Rhett et al teach the features alleged in the Office Action, they fail to off-set the shortcomings of Isreeli discussed above with respect to amended claim 1. Furthermore, no rationale has been provided from the disclosures of

Tseung et al and Rhett et al as basis for combining with those of Isreeli to arrive at the subject matter of claims 15-16 and 20 and make out a *prima facie* case of obviousness. Finally, Tseung et al and Rhett et al do not off-set the shortcomings of Isreeli with respect to the structural features recited in amended claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claims 15-16 and 20 for reasons of obviousness are respectfully requested.

At paragraph 22 of the Office Action, claim 19 was rejected under 35 U.S.C. 103(a) as unpatentable over Isreeli in view of Gary (US Pat. 3,515,254). This ground of rejection is courteously traversed.

Claim 19 is indirectly dependent from claim 1, and includes all the limitations of amended claim 1. Claim 19, which recites means for controlling a conveyor, etc., the combination of Isreeli and Gary would still not arrive at the subject matter of this claim, mainly because Isreeli, as discussed above, fails to teach the subject matter of the amended version of claim 1, etc. There is also a significant issue of: what is the basis for combining the references to Gary with Isreeli. Gary relates to computerized conveyor systems for carrying irregular shaped objects such as mail sacks. **The Office Action does not address this question, but merely concludes that it would be appropriate to combine the two references notwithstanding the absence of rationale, or apparent suggestion of the same in the prior art.**

Reconsideration and withdrawal of the rejection of claim 19 is respectfully solicited.

At paragraph 23 of the Office Action, claim 21 was rejected under 35 U.S.C. 103(a), as unpatentable over Isreeli in view of Tseung et al and Rhett et al, as applied to claim 20, and further in view of Zavada et al (US 6,051,226). This ground of rejection is traversed.

Claim 21, also dependent, indirectly from amended claim 1, includes all the limitations from claim 1. Neither Zavada et al, Rhett et al, nor Tseung et al offset the shortcomings of Isreeli, as discussed above. Therefore, even if Zavada et al teach a humidified chamber, as alleged, the subject matter of claim 21 would still not be arrived at.

Reconsideration and withdrawal of the rejection of claim 21 are courteously requested.

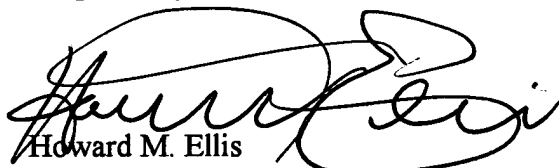
SUMMARY

Paragraphs 24 and 26 of the Office Action of 11/23/05 conclude claims 2-9 and 13-14 are either allowed or allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph. Claim 1 has been rewritten to include the limitations of claim 2. The remaining dependent claims, claims 3-21, are either directly or indirectly dependent from claim 1. All grounds of rejection under Section 112 have been addressed by amendment or reasons provided why the rejections lack merit. Accordingly, claims 1 and 3-21 are now in condition for allowance.

Method claims 22-24, 26-34 and 36 have been amended so there is unity of invention with the claims drawn to the device. All the claims recite a common special technical feature that is patentable over the prior art cited. The method claims should be rejoined and allowed with the device claims.

All the claims, device and methods, now recite patentable subject matter. The claims are now in condition for allowance, and notification of the same at an early date is earnestly solicited.

Respectfully submitted,



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Dated: 2/16/06